reasonable at common law was past dispute, and the Cummins Act of 1915, which changed the common law so as to forbid any lesser period than ninety days for giving notice of losses of goods, made no reference to injuries to passengers. This is natural, for the Cummins Act was dealing only with injuries to goods. The court divided on the question whether the Cummins Act showed a changed public policy on the whole question of the period within which notice must be given. On this the majority held that the silence of the statute as to cases of passengers was conclusive; that there had been no change in the policy of the law. The dissenting judges say: "The Cummins Amendment is the protest of the country against the discrimination and hardship which many federal and state court decisions show to have resulted all over the country, from the enforcement of such a rule as to property claims." They do not agree with the prevailing opinion that there is less need of time for filing claims for personal injuries. On the contrary, injured men are likely to need more time, and the court should accept the public policy prescribed by Congress and apply it to personal injury claims. This extension of the operation of a statute by applying changed policies of law it is supposed to reflect to cases not covered by the statute is an interesting door to judicial legislation that may not be entered in this note.

CONSTITUTIONAL LAW—GRAND JURY—SUFFRAGE AMENDMENT DOES NOT GIVE WOMEN THE RIGHT TO SERVE ON GRAND JURY.—The grand jury which returned the indictment against the defendant was composed of ten men and two women. The code provided that the grand jury should be composed of ten men. Defendant moved to quash the indictment on the ground that the grand jury was not properly constituted. Plaintiff contended that the Nineteenth Amendment entitled women to perform jury service. *Held,* indictment should be dismissed, as the right or duty to serve on the grand jury should not be confounded with the right to vote. *Stroud* v. *State* (Tex. C. C. A., 1921), 235 S. W. 214.

A jury at common law was "twelve good men and true." 3 BLACK. COMM. 349. "Under the word *homo,* though a name common to both sexes, the female was, however, excluded, *propter defectum sexus,*" except where a writ of *de ventre inspiciendo* was issued. This common law idea as to the qualifications of a juror has been universally followed under the American constitutions. *Capital Traction Co.* v. *Hof,* 174 U. S. 1. The passing of the suffrage amendments have, however, raised the question as to whether or not the common law rule that women were not eligible for jury service still prevails. One line of cases holds that where a certain class has been designated from which jurors are to be chosen, and women are subsequently brought within that class by a change in the law, they automatically become liable for jury service. *People* v. *Barltz,* 180 N. W. 423; *Parus* v. *Dist. Court,* 42 Nev. 229. Other cases, however, have held that women are not entitled to perform jury service, even though they were subsequently brought within the class from which jurors are selected. *In re Opinion of the Jus-*

tices (Mass., 1921), 130 N. E. 685; *Harland* v. *Territory of Washington,* 3 Wash. Ter. 131. In other cases where jury service is expressly confined to men, and the question has arisen, as in the principal case, whether the right to vote entitles women to perform jury service, the courts have all held that it does not, on the ground that jury service was not incidental to and a part of suffrage. *In re Grilli,* 179 N. Y. Sup. 795; *Harper* v. *State* (Tex. C. C. A., 1921), 234 S. W. 909. See also the *Opinion of the Justices, supra.* The contention was advanced in these cases that to deny women the right to perform jury service under the Nineteenth Amendment was contrary to the Fourteenth Amendment, and the cases of *Strauder* v. *West Virginia,* 100 U. S. 303, and *Ex parte Virginia,* 100 U. S. 339, were cited. The contention should have but little weight, for here the basis for exclusion was sex and not color. As was said in *Strauder* v. *West Virginia, supra,* "we do not deny that a state may prescribe the qualifications of its jurors and in so doing make discriminations. It may confine the selections to males, to freeholders, to citizens, etc. We do not believe the Fourteenth Amendment was ever intended to prohibit that." This *dictum* seems sound, as the performance of jury service is not a civil right, but a political right, which is qualified because its exercise depends upon fitness, which is to be adjudged by the legislature. The cases reviewed indicate that the conflict in the cases is confined to a question of constitutional construction. Where a class is designated from which jurors are to be selected, is the class limited to those who meet its requirements at the time the provision was adopted, or does it include those brought within the class by a subsequent change in the law? The former interpretation would undoubtedly effectuate the specific intent of the framers of the Constitution. But it would seem that where the law has designated electors as the class from which jurors are to be chosen, and women are subsequently made members of that class, they should be entitled to perform jury service.

CONTRACTS—ILLEGALITY—PROVISION THAT ANY ACTION ON THE CONTRACT SHALL BE BROUGHT ONLY IN A CERTAIN PLACE.—The plaintiff brought action in county R on a contract containing a stipulation that any action upon it should be brought in the city of Charlotte, located in county M. Independent of the stipulation, the venue might properly have been laid in either county. The motion of the defendant to have the cause removed to county M was denied. *Gaither* v. *Charlotte Motor Car Co.* (N. C., 1921), 109 S. E. 362.

The great majority of American courts hold invalid and unenforceable provisions in a contract to the effect that any action upon it shall be brought only in a certain place or court. *Nute* v. *Hamilton Insur. Co.,* 6 Gray (Mass.), 174; *Hall* v. *Mutual Insur. Co.,* 6 Gray (Mass.) 185; *Nashua River Paper Co.* v. *Hammermill Paper Co.,* 223 Mass. 8, and note, L. R. A. 1916 D 696; *Shipping Co.* v. *Lehman,* 39 Fed. 704. The court in the leading American case declared that it placed no great reliance upon considerations of public policy. *Nute* v. *Hamilton Insur. Co., supra.* Nevertheless, the rule is usu-